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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/197,184

Applicant(s)

TERADA ET AL.

Examiner

Cong-Lac Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE and IDS filed on 6/28/03 to the application filed on 11/20/98, priority filed 12/2/97.
2. Claims 1-22 are pending in the case. Claims 1, 10, 14, 18 and 22 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (JP-8-293039A, 11/5/96, filed 4/24/95) in view of Ohba (JP-3-216767A, 9/21/91, filed 1/21/90), the IDSs submitted by Applicants.

Regarding independent claim 1, Sato discloses:

- sequentially providing music control information in correspondence with the music to be played, the music control information including a plurality of types of MIDI event data associated with the music to be played (abstract: "it is possible to generate from music, images having definite shape and motion, such as the motion of a human dancing to the music"; [0002]: "the motion of sounds in each part of a music is made to correspond to the motion of images having basic shape"; [0006]: "*musical information is converted into a series of pieces of motion information by appropriately switching the motion at every point of sound buildup*", "motions of the articulated object are applied to the imageto display an animated image"; [0014]: the motions of limbs of the articulated object are stored in advance in the motion database and the chords are detected to match with the motion data stored in the motion database; [0033]: "*.. As music information, signals corresponding to performance control information, such as MIDI control signals are inputted to the musical signal inputting section 101. The MIDI control signals have interval information and sound volume information for individual tones*"; [0035]: "it is possible to convert the acoustic art, the *music*, into specific visual art, *the motion of articulated object* having a definite shape, for example *the motion of a human dancing to the music*")

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- generating a sound in accordance with the music control information to thereby play the music ([0006]: a sound buildup point in accordance with the musical information and the motions of the animated image)
- generating a motion image of the object in matching with progression of the music ([0014]: the motions of limbs of the articulated object is matched with the chord; [0015]: "an articulated object moving in time to the music may be displayed using the pre-stored motion data")

Sato does not disclose explicitly:

- selecting and setting the types of MIDI event data to the movable parts of the object such that the respective movable parts correspond to the types of MIDI event data
- controlling the movements of the respective movable parts in correspondence to the types of MIDI event data included in the music control information sequentially provided, thereby generating a motion image of the object in matching with progression of the music

Ohba discloses:

- *selecting and setting the types of MIDI event data to the movable parts of the object such that the respective movable parts in correspondence to the types of MIDI event data* (pages 1 and 2, as shown in figures 2 and 3: selecting and setting the motions of the legs and the arms, which are movable parts of an object, such that the respective movable parts in correspondence to the types of event data, e.g. right leg or left leg moving forward or backward, right arm or left

arm swinging forward or backward; pages 3 and 4: the different parameters RQ, RR and RS generated that designate the transformation of input images according to the *MIDI signals* indicate that the respective movable parts of the object is set for the corresponding types of MIDI event data since each parameter is assigned for each movement of legs or arms and for each MIDI signal to apply for selecting purpose)

- controlling the movements of respective movable parts in correspondence to the types of MIDI event data included in the music control in correspondence to the types of MIDI event data contained in the music control information sequentially provided (page 2: the motions of legs and the motions of arms are generated with correspondent parameters; page 3: the shape of the arm of the character is transformed so that the character may move the arms; the shapes of the legs and the arms are synthesized to form the entire configuration of character for outputting the animation; a filter is formed to detect musical scale, stress and length of the synthesized sound based on the MIDI signal to generate the parameters RQ, RR, and RS correspondent to the change of the arms and legs of the animated object according to the music)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Ohba into Sato since Ohba provides the movements of respective movable parts of an animated objects according to the MIDI signals and Sato provides the music control information for the movable parts of the objects to display the movement of the body of a human to the music. The combination of Ohba and Sato

would enhance the animation display with music by applying the control of the movements of an animated object so that said movements are performed along with the music.

Regarding claim 2, which is dependent on claim 1, Sato discloses preparing a frame of the motion image in advance to generation of the sound corresponding to the same data block to generate the prepared frame timely when generating the sound according to the same data block used for preparation of the frame (section [0014], ...chords detected with the chord detecting section are matched in advance with the motion data stored in the motion database..., motion output section visualizes to display the motion data generated...).

Sato does not disclose analyzing a block of the performance data to perform said preparing. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Sato to include analyzing a block of the performance data into Sato since the block of performance data is considered equivalent to the multimedia segment in Sato where the motion video segments, the time segments and the sound segments are generated to match with each other.

Regarding claim 3, which is dependent on claim 1, Sato discloses generating the key frames of the motion image in response to the music control information, and generating the sub frames inserted between the successive key frames by interpolation to smoothen the motion image ([0027]: generating M frames per one motion.....motion

data for display are obtained by interpolating a motion data of m-th frame and a motion data of (m+1)th frame...generate motions according to the music)

Regarding claim 4, which is dependent on claim 1, Sato does not disclose generating the motion image of an object representing an instrument player and analyzing the audio control information to determine a rendition movement of the instrument player for controlling the motion image as if the instrument player plays the music.

Instead Sato discloses converting music into images by using the stored motions of an articulated object and the chord for generating the motion of a human dancing to the music (abstract; sections [0033] and [0035]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Sato to include that the motion object is an instrument player for performing the music since a music player is considered equivalent to a motion object with movable parts moving according to the music.

Regarding claim 5, which is dependent on claim 1, Sato does not disclose *determining the movement of the movable parts of the object*, generating the motion image according to the motion parameters, and resetting the motion image to revert the movable parts to the default positions in matching with the progression of the music. Instead Sato discloses the matching of motions of a human dancing to the music (abstract; [0005] and [0035]).

Ohba discloses generating the motion image according to the motion parameters (pages 1 and 2, parameter Q associated with the motions of legs, parameter R associated with the motions of arms, parameter S associated with the display position of the character...transform the shapes of respective parts of the character expressed with the shape data in response to the values of parameters Q, R, S).

Ohba does not disclose determining the movement of the movable parts of the object. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Ohba to include "determining the movement ..." for the following reason. "Generating the motion image" in Ohba inherently includes "determining the movement..." since the movements of movable parts of an object should be determined to generate a motion image of the object.

Also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Ohba into Sata for facilitating the control of motions of an objects in accordance to the played music by using the set parameters for corresponding motions.

Regarding claim 6, which is dependent on claim 1, Sato discloses that the synchronization signal, *which is provided from the sequencer module* and which is utilized to regulate a beat of music so that the motion image of the object is controlled in synchronization with the beat of the music (sections [0008] - [0011]).

Regarding claim 7, which is dependent on claim 1, Sato discloses the synchronization of the motion video and the music (abstract, sections [0027]-[0029]). However, Sato does not disclose providing the music control information containing event data specifying an instrument used to play the music.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Sato to add specifying an instrument used to play the music since it was well known that a music must be played by an instrument or a combination of some instruments, and since the music control information is where to include information relating to playing the music.

Regarding claim 8, which is dependent on claim 1, Sato does not disclose *setting motion parameters effective to determine the movements of the movable parts of the object*.

Ohba discloses setting motion parameters effective to determine the movements of the movable parts of the object (page 2: parameter Q is stored for designating the motions of legs, parameter R is stored for designating the motions of arms, ...)

Ohba also discloses utilizing the motion parameters to control the motion image of the object (refer to claim 1).

Sato and Ohba do not disclose controlling the amplitude of the sound to further control the motion image such that the movement of each part determined by the motion parameter is scaled in association with the amplitude of the sound.

amplitude of the sound to further control the motion image such that the movement of each part determined by the motion parameter is scaled in association with the amplitude of the sound because of the following reason. The amplitude of the sound can be controlled by adjusting the volume of the sound. Since the movement of the part of the object is determined by a motion parameter, said movement is synchronized with the music, and the amplitude of the sound can be adjusted, these features suggest to synchronize the movement of the motion images with the sound in a way that the motion images are adjusted to match with the up and down of the sound. In other words, the motion images are scaled in association with the amplitude of the sound.

Regarding claim 9, which is dependent on claim 1, as mentioned in claim 6, Sato discloses that the dancer object, which is a motion object, and the music are synchronized (abstract, [0035]). Ohba discloses the motion parameters correspondent to the movements of a motion object (pages 1-2).

Sato does not disclose explicitly that the synchronization signal is provided from the sequencer module. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Sato to include a sequencer module since Sato's disclosure of synchronizing the motions of a dancer object to the music suggests such module in Sato for performing the function.

Claims 10-13 are for an apparatus of claims 1-4, and therefore are rejected under the same rationale.

Regarding independent claim 14, Sato discloses:

- sequentially providing performance data to perform the music, the performance data including a plurality of types of MIDI event data associated with the music to be played (abstract, possible to generate from music the motion of a human dancing to the music; section [0002], each part of music is made to correspond to the motion of images having basic shape; section [0006], musical information and motions of the articulated object are applied to the imageto display an animated image; section [0008]; section [0035], motion of a human dancing to the music)
- generating a sound in accordance with the performance data to thereby perform the music (section [0006], a sound buildup point in accordance with the musical information and the motions of the animated image)
- generating a motion image of the object in matching with the progression of the music, wherein the step of generating a motion image is in response to the performance data for controlling movements of the respective movable parts in correspondence to the types of MIDI event data included in the performance data sequentially provided by said step of sequentially providing performance data (sections [0014] and [0015], the motions of limbs of the articulated object are matched with the chord; section [0005], generating timing to switch the motion of the articulated object from musical signal, detecting chord from musical signals, and selecting motions from motion database based on the chords in time to the timing to switch the motion)

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Sato does not disclose explicitly selecting and setting the types of MIDI event data to the movable parts of the object such that the respective movable parts correspond to the types of the MIDI event data selected and set.

Ohba discloses selecting and setting the types of MIDI event data to the movable parts of the object such that the respective movable parts correspond to the types of the MIDI event data selected and set (pages 1 and 2, Summary of the Invention and

Embodiment: producing an animation of the object accordingly to the MIDI signal, and the motion of legs and the motion of arms show the movable parts of the objects according to the MIDI signal; page 4: the fact that the parameters RQ, RR, and RS generated to designate the transformation of input images according to the MIDI signals indicates that the types of MIDI data to the movable parts – the legs and the arms – are set and selected via the parameters showing the movement of the parts of the object).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Ohba into Sato to facilitate reproducing a motion object where the movement of the object is synchronized with the sound of the music via selecting the set MIDI event data to the movable parts of the objects to obtain a desired output where MIDI signals are synchronized with the transformation of the input image, which is the movement of the parts of the object.

Regarding claim 15, which is dependent on claim 14, Sato discloses:

- generating a sound in response to the timing signal and in accordance with the performance data to thereby perform the music (section [0006], a sound buildup

point in accordance with the musical information and the motions of the animated image)

- generating a motion image of the object to response to the timing signal to matching with the progression of the music (section [0005], generating timing to switch the motion of the articulated object from musical signal, detecting chord from musical signals, and selecting motions from motion database based on the chords in time to the timing to switch the motion)
- preparing a frame of the motion image in advance to generation of the sound corresponding to the motion image so that the prepared frame can be generated timely when the sound is generated according to the same block used for preparation of the frame (section [0014], motions of limbs of the articulated object are stored in advance in the motion database, and the kinds of chords detected are matched in advance with the motion data stored in the motion database)

Sato does not disclose analyzing a block of the performance data to perform said preparing. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Sato to include analyzing a block of the performance data into Sato since the block of performance data is considered equivalent to the multimedia segment in Sato where the motion video segments, the time segments and the sound segments are generated to match with each other.

Regarding claim 16, which is dependent on claim 14, Sato discloses generating the key frames of the motion image in response to the synchronization signal according to the

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motion parameters and the music control information, and generating the sub frames inserted between the successive key frames by interpolation to smoothen the motion image (section [0027], generating M frames per one motion.....motion data for display are obtained by interpolating a motion data of m-th frame and a motion data of (m+1)th frame...generate motions according to the music).

Regarding claim 17, which is dependent on claim 14, as mentioned in claim 14, Sato does not disclose providing motion parameters to design a movement of the object representing a player of an instrument, and wherein the step of generating a motion image comprises utilizing the motion parameters to form the framework of the motion image of the player and utilizing the performance data to modify the framework for generating the motion image presenting the player playing the instrument to perform the music.

Instead, Sato discloses converting music into images by using the stored motions of an articulated object and the chord for generating the motion of a human dancing to the music (abstract; [0033], [0035]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Sato to include that the motion object is an instrument player for performing the music since a music player is considered equivalent to a motion object with movable parts moving according to the music.

Claims 18-21 are for a machine readable medium of claims 1-4, and therefore are rejected under the same rationale.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (JP-8-293039A, 11/5/96, filed 4/24/95) in view of Ohba (JP-3-216767A, 9/21/91, filed 1/21/90), the IDSs submitted by Applicants.

Regarding independent claim 22, Sato discloses:

- providing music control information in correspondence with the music to be played such that the music control information is arranged into a plurality of channels (abstract: "it is possible to generate from music, images having definite shape and motion, such as the motion of a human dancing to the music"; [0002]: "the motion of sounds in each part of a music is made to correspond to the motion of images having basic shape"; [0006]: "*musical information is converted into a series of pieces of motion information* by appropriately switching the motion at every point of sound buildup", "motions of the articulated object are applied to the imageto display an animated image"; [0014]: the motions of limbs of the articulated object are stored in advance in the motion database and the *chords are detected to match with the motion data stored in the motion database*; [0035]: "it is possible to convert the acoustic art, the *music*, into specific visual art, *the motion of articulated object* having a definite shape, for example *the motion of a human dancing to the music*")

- generating a sound in accordance with the music control information to thereby play the music ([0006]: a sound buildup point in accordance with the musical information and the motions of the animated image)
- generating a motion image of the object in matching with progression of the music ([0014]: the motions of limbs of the articulated object is matched with the chord; [0015]: "an articulated object moving in time to the music may be displayed using the pre-stored motion data")
- controlling movements of the respective movable parts in correspondence to the channels of the music control information sequentially provided from the sequencer module, thereby generating a motion image of the object in matching with progression of the music

Sato does not disclose:

- selecting and setting the channels of the music control information to the movable parts of the objects such that the respective movable parts correspond to the channels of the music control information
- controlling movements of the respective movable parts in correspondence to the channels of the music control information sequentially provided from the sequencer module

Ohba discloses:

- *selecting and setting the types of event data to the movable parts of the object such that the respective movable parts in correspondence to the types of event data* (pages 1 and 2, as shown in figures 2 and 3: selecting and setting the

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motions of the legs and the arms, which are movable parts of an object, such that the respective movable parts in correspondence to the types of event data, e.g. right leg or left leg moving forward or backward, right arm or left arm swinging forward or backward)

- controlling the movements of respective movable parts in correspondence to the types of event data contained in the music control in correspondence to the types of event data contained in the music control information sequentially provided (page 2: the motions of legs and the motions of arms are generated with correspondent parameters; page 3: the shape of the arm of the character is transformed so that the character may move the arms; the shapes of the legs and the arms are synthesized to form the entire configuration of character for outputting the animation; a filter is formed to detect musical scale, stress and length of the synthesized sound based on the MIDI signal to generate the parameters RQ, RR, and RS correspondent to the change of the arms and legs of the animated object according to the music)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Ohba into Sato to enhance the animation display by applying the control of the movements of an animated object so that said movements are performed along with the music.

Response to Arguments

8. Applicant's arguments filed 6/28/03 have been fully considered but they are not persuasive.

During the phone interview, the representative of the Applicants argued that the event data in the claims are the MIDI event data. Examiner did not agree since the MIDI event data is not claimed. Therefore, the event data can be interpreted as any event data.

As amended, claims 1, 10, 14, 18 now are clarified that the "event data" is the "MIDI event data."

However, during reconsideration, the Examiner sees that both Sato and Ohba apply MIDI signals for controlling the synchronization of music and the movement of the parts of the object (Sato, pages 2-6; Ohba, pages 1-4). The MIDI signals in Sato and Ohba inherently indicates that the event data should be the MIDI event data. Sato and Ohba, therefore, suggest the claimed feature.

Applicants also argue that neither Sato nor Ohba contain any disclosure or suggestion of the parameter setting module as recited in the amended claims (Remarks, page 6). Examiner respectfully disagrees.

The parameter setting module, as claimed, is for selecting and setting the types of MIDI event data to the movable parts of the object such that the respective movable parts

correspond to the types of MIDI event data selected and set by the parameter setting module.

Ohba discloses selecting and setting the types of event data to the movable parts of the object such that the respective movable parts in correspondence to the types of MIDI event data (pages 1 and 2, as shown in figures 2 and 3: selecting and setting the motions of the legs and the arms, which are movable parts of an object, such that the respective movable parts in correspondence to the types of event data, e.g. right leg or left leg moving forward or backward, right arm or left arm swinging forward or backward; pages 3 and 4: the different parameters RQ, RR and RS generated that designate the transformation of input images according to the *MIDI signals* indicate that the respective movable parts of the object is set for the corresponding types of MIDI event data since each parameter is assigned for each movement of legs or arms and for each MIDI signal to apply for selecting purpose later).

Regarding independent claim 22, Applicants argue that none of the cited references, including Sato and Ohba, contain any disclosure or suggestion of a parameter setting module that is operable to select and set the channels of music control information to the movable parts of an animated object.

Examiner respectfully disagrees.

As mentioned above, Ohba suggests selecting and setting music control information to the movable parts of an animated object.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Luther (US Pat No. 5,640,590, 6/17/97).

Goede (US Pat No. 5,952,598, 9/14/99, filed 9/10/97, priority 6/7/96).


Tada (US Pat No. 5,915,972, 6/29/99).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 707-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh
8/30/03


STEPHEN S. HONG
PRIMARY EXAMINER